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EXAMINER

FENNEMA, ROBERT E

ART UNIT PAPER NUMBER

2183

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,883

Applicant(s)

SEAL ET AL.

Examiner

Robert E. Fennema

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/20/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-33 are pending.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 23-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 23-33 are related to a "computer program product", which does not necessarily require the program to be embodied in computer hardware, or make a tangible product.

***Claim Objections***

4. Claims 1-11, 13-22, and 23-33 are objected to because of the following informalities: Claim 1 should read "An apparatus" as opposed to "Apparatus", Claims 2-11 should begin with "The apparatus" to prevent any confusion that they are referring to the same apparatus as Claim 1, or a separate apparatus. Likewise, Claims 13-22 and 23-33 should begin with "The" instead of "A" to make clear the claims refer to the method or computer program product of their respective independent claims, and not a separate method/product. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Jagger (GB 2,289,354).

7. As per Claim 1, Jagger teaches: Apparatus for processing data, said apparatus comprising:

data processing logic operable to perform data processing operations (Page 4, Lines 17-18, the processor core); and

an instruction decoder operable to decode program instructions specifying data processing operations to be performed by said data processing logic and to control said data processing logic to perform said data processing operations (Page 4, Lines 19-21, the decoding means); wherein

said instruction decoder is operable in a first mode in which program instructions of a first instruction set are decoded (Page 7, Lines 25-28) and in a second mode in which program instructions of a second instruction set are decoded (Page 7, Lines 25-31), a subset of program instructions of said first instruction set having a common storage order compensated encoding with a subset of program instructions of said second instruction set and forming a common subset of instructions representing at

Art Unit: 2183

least one class of instructions (Page 4, Lines 24-29), said common subset of instructions controlling said data processing logic to perform the same data processing operations independent of whether said instruction decoder is operating in said first mode or said second mode (Page 8, Lines 19-27. The one to one mapping of instructions means that the instructions will be decoded the same way, meaning the data will be processed the same way regardless of which way it was fetched or decoded, for those instructions).

8. As per Claim 2, Jagger teaches: Apparatus as claimed in claim 1, wherein said instruction decoder is operable to use common portions of said data processing logic to execute instructions of said common subset of instructions (Page 3, Line 33 – Page 4, Line 1. Registers are shared between the instruction sets).

9. As per Claim 3, Jagger teaches: Apparatus as claimed in claim 1, wherein said common subset of instructions includes a class of instructions being coprocessor instructions operable to control coprocessor data processing operations using coprocessor logic common to said first instruction set and said second instruction set (Page 3, Line 33 – Page 4, Line 1. Registers are shared between the instruction sets).

10. As per Claim 4, Jagger teaches: Apparatus as claimed in claim 3, wherein all unconditional coprocessor instructions are within said common subset (Page 9, Lines

31-36, the smaller bit size instructions (the subset) are unconditional).

11. As per Claim 5, Jagger teaches: Apparatus as claimed in claim 1, wherein said first instruction set is a fixed length instruction set of N-bit instructions (Page 6, Lines 17-25, where N equals 16).

12. As per Claim 6, Jagger teaches: Apparatus as claimed in claim 5, wherein N is one of 32 or 16 (Page 6, Lines 17-25, where N equals 16).

13. As per Claim 8, Jagger teaches: Apparatus as claimed in claim 1, wherein at least one program instruction within said common subset of instructions performs common data processing operations in either said first mode or said second mode but generates different result data values depending upon whether said instruction decoder is operating in said first mode or said second mode (Page 6, Lines 12-14, the PC is updated differently in the different modes).

14. As per Claim 9, Jagger teaches: Apparatus as claimed in claim 8, wherein said at least one program instruction generating different result data values includes a program counter value as an input operand (Page 6, Lines 7-8).

15. As per Claim 10, Jagger teaches: Apparatus as claimed in claim 9, wherein a different relationship is maintained between said program counter value and an address

Art Unit: 2183

of an instruction being executed depending upon whether said instruction decoder is operating in said first mode or said second mode (Page 6, Lines 12-14).

16. As per Claim 11, Jagger teaches: Apparatus as claimed in claim 8, wherein said at least one program instruction generating different result data values includes a program status register value as an input operand (Page 5 Line 31 – Page 6 Line 7).

17. As per Claim 12, Jagger teaches: A method of processing data, said method comprising the steps of:

performing data processing operations with data processing logic (Page 4, Lines 17-18, the processor core); and

decoding with an instruction decoder program instructions specifying data processing operations to be performed by said data processing logic and controlling said data processing logic to perform said data processing operations (Page 4, Lines 19-21, the decoding means); wherein

in a first mode program instructions of a first instruction set are decoded (Page 7, Lines 25-28) and in a second mode program instructions of a second instruction set are decoded (Page 7, Lines 25-31), a subset of program instructions of said first instruction set having a common storage order compensated encoding with a subset of program instructions of said second instruction set and forming a common subset of instructions representing at least one class of instructions (Page 4, Lines 24-29), said common subset of instructions controlling said data processing logic to perform the same data

Art Unit: 2183

processing operations independent of whether said instruction decoder is operating in said first mode or said second mode (Page 8, Lines 19-27. The one to one mapping of instructions means that the instructions will be decoded the same way, meaning the data will be processed the same way regardless of which way it was fetched or decoded, for those instructions).

18. As per Claim 13, Jagger teaches: A method as claimed in claim 12, wherein common portions of said data processing logic are used to execute instructions of said common subset of instructions (Page 3, Line 33 – Page 4, Line 1. Registers are shared between the instruction sets).

19. As per Claim 14, Jagger teaches: A method as claimed in claim 12, wherein said common subset of instructions includes a class of instructions being coprocessor instructions operable to control coprocessor data processing operations using coprocessor logic common to said first instruction set and said second instruction set (Page 3, Line 33 – Page 4, Line 1. Registers are shared between the instruction sets).

20. As per Claim 15, Jagger teaches: A method as claimed in claim 14, wherein all unconditional coprocessor instructions are within said common subset (Page 9, Lines 31-36, the smaller bit size instructions (the subset) are unconditional).



Art Unit: 2183

21. As per Claim 16, Jagger teaches: A method as claimed in claim 12, wherein said first instruction set is a fixed length instruction set of N-bit instructions (Page 6, Lines 17-25, where N equals 16).

22. As per Claim 17, Jagger teaches: A method as claimed in claim 16, wherein N is one of 32 or 16 (Page 6, Lines 17-25, where N equals 16).

23. As per Claim 19, Jagger teaches: A method as claimed in claim 12, wherein at least one program instruction within said common subset of instructions performs common data processing operations in either said first mode or said second mode but generates different result data values depending upon whether said instruction decoder is operating in said first mode or said second mode (Page 6, Lines 12-14, the PC is updated differently in the different modes).

24. As per Claim 20, Jagger teaches: A method as claimed in claim 19, wherein said at least one program instruction generating different result data values includes a program counter value as an input operand (Page 6, Lines 7-8).

25. As per Claim 21, Jagger teaches: A method as claimed in claim 20, wherein a different relationship is maintained between said program counter value and an address of an instruction being executed depending upon whether said instruction decoder is

Art Unit: 2183

operating in said first mode or said second mode (Page 6, Lines 12-14).

26. As per Claim 22, Jagger teaches: A method as claimed in claim 19, wherein said at least one program instruction generating different result data values includes a program status register value as an input operand (Page 5 Line 31 – Page 6 Line 7).

27. As per Claim 23, Jagger teaches: A computer program product having a computer program operable to control a data processing apparatus containing data processing logic operable to perform data processing operations (Page 4, Lines 17-18, the processor core), said computer program comprising:

program instructions of a first instruction set (Page 7, Lines 25-28) and program instructions of a second instruction set (Page 7, Lines 25-31), that control said data processing logic to perform said data processing operations; wherein

a subset of program instructions of said first instruction set have a common storage order compensated encoding with a subset of program instructions of said second instruction set and form a common subset of instructions representing at least one class of instructions (Page 4, Lines 24-29), said common subset of instructions controlling data processing logic to perform the same data processing operations independent of whether instructions of said first instruction set or of said second instruction set are being decoded (Page 8, Lines 19-27. The one to one mapping of instructions means that the instructions will be decoded the same way, meaning the data will be processed the same way regardless of which way it was fetched or

Art Unit: 2183

decoded, for those instructions).

28. As per Claim 24, Jagger teaches: A computer program product as claimed in claim 23, wherein common portions of said data processing logic are used to execute instructions of said common subset of instructions (Page 3, Line 33 – Page 4, Line 1. Registers are shared between the instruction sets).

29. As per Claim 25, Jagger teaches: A computer program product as claimed in claim 23, wherein said common subset of instructions includes a class of instructions being coprocessor instructions operable to control coprocessor data processing operations using coprocessor logic common to said first instruction set and said second instruction set (Page 3, Line 33 – Page 4, Line 1. Registers are shared between the instruction sets).

30. As per Claim 26, Jagger teaches: A computer program product as claimed in claim 25, wherein all unconditional coprocessor instructions are within said common subset (Page 9, Lines 31-36, the smaller bit size instructions (the subset) are unconditional).

31. As per Claim 27, Jagger teaches: A computer program product as claimed in claim 23, wherein said first instruction set is a fixed length instruction set of N-bit

Art Unit: 2183

instructions (Page 6, Lines 17-25, where N equals 16).

32. As per Claim 28, Jagger teaches: A computer program product as claimed in claim 27, wherein N is one of 32 or 16 (Page 6, Lines 17-25, where N equals 16).

33. As per Claim 30, Jagger teaches: A computer program product as claimed in claim 23, wherein at least one program instruction within said common subset of instructions performs common data processing operations when instructions of either said first instruction set or said second instruction set are being decoded but generates different result data values (Page 6, Lines 12-14, the PC is updated differently in the different modes).

34. As per Claim 31, Jagger teaches: A computer program product as claimed in claim 30, wherein said at least one program instruction generating different result data values includes a program counter value as an input operand (Page 6, Lines 7-8).

35. As per Claim 32, Jagger teaches: A computer program product as claimed in claim 31, wherein a different relationship is maintained between said program counter value and an address of an instruction being executed depending upon whether said instruction decoder is operating in said first mode or said second mode (Page 6, Lines 12-14).

Art Unit: 2183

36. As per Claim 33, Jagger teaches: A computer program product as claimed in claim 30, wherein said at least one program instruction generating different result data values includes a program status register value as an input operand (Page 5 Line 31 – Page 6 Line 7).

***Claim Rejections - 35 USC § 103***

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claims 7, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagger, in view of McFarland et al. (USPN 5,781,753, herein McFarland).

39. As per Claim 7, Jagger teaches an Apparatus as claimed in claim 1, but fails to explicitly teach:

wherein said second instruction set is a variable length instruction set.

Jagger teaches a system to allow a first and second instruction set to run on the same processor without a large amount of increased logic, but does not explicitly teach that the second instruction set is a variable length instruction set. However, McFarland teaches that the x86 architecture, one of the most widely used architectures in PC's, and what made PCs into a mass-market item (Column 2, Lines 9-20), contains variable-length instructions that need to be dealt with when designing a machine to run the

Art Unit: 2183

architecture (Column 5, Lines 56-65). Given the popularity and wide usage of the x86 processor, and the advantage of using Jagger's system to allow instruction sets of different lengths to work together with minimal cost, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Jagger's invention into a machine running an x86 architecture, which would make variable-length instructions one of the instruction sets Jagger deals with. Claims 18 and 29 have similar limitations and are rejected for the same reasons.

### ***Conclusion***

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

41. Sherer (USPN 5,459,854) teaches of the x86 architecture, which has various architectures, but shares a common subset of instructions.

42. Kroesche et al. (USPN 6,968,444) teaches a processor with multiple instruction sets, with a common subset of instructions.

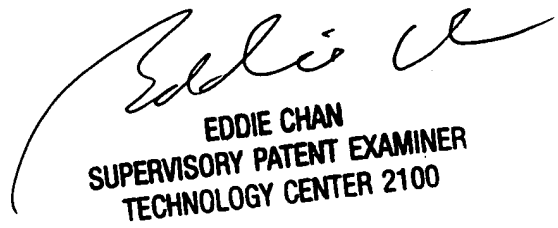
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert E. Fennema whose telephone number is (571) 272-2748. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert E Fennema  
Examiner  
Art Unit 2183

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